

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

WP(C).No. 16091 of 2007(N)

PETITIONER:

**SANTHOSH P., AGED 48 YEARS,
S/O.P.P.NARAYANAN, PANNICKASSERY HOUSE,
AYYANTHOLE, THRISSUR.**

BY ADV. SRI.P.RAMAKRISHNAN

RESPONDENTS:

- 1. THE SECRETARY, KERALA KHADI AND VILLAGE
INDUSTRIES BOARD, THIRUVANANTHAPURAM.**
- 2. THE PROJECT OFFICER, DISTRICT KHADI
AND VILLAGE INDUSTRIES OFFICE, THRISSUR.**

BY ADV. SRI. K.P. HARISH, SC.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29/05/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

K.BALAKRISHNAN NAIR,J.

WP(C)NO.16091 OF 2007-N

Judgment

The petitioner, who is presently working as Khadi Development Officer at Thrissur, has been transferred by Ext.P4 to Palakkad. This Writ Petition is filed, challenging Ext.P4 on the ground that he has been posted to Thrissur, only on 15.06.2006 and therefore, the order, transferring him now, before he completes one year at Thrissur, is illegal and unsustainable. He also seeks retention at Thrissur on medical grounds. The learned Standing Counsel, upon instruction, submitted that practically, the petitioner was working at Thrissur, ever since his appointment on regular basis, after 20.06.1992. Though he was transferred to Payyannur on 01.07.2005, he never joined there and he was transferred back to Thrissur on 18.06.2006. So, practically, all along he was working at Thrissur. It is also pointed out that for misappropriation of funds, disciplinary proceedings have been initiated against the petitioner and therefore, in exigencies of service, he has to be shifted from the present place. The learned counsel for the petitioner denies the submission of the learned Standing Counsel that disciplinary proceedings have been initiated against him.

2. Whatever be that, I think, this is not a fit case for interfering with the transfer under Article 226 of the Constitution of India, for the reason that ever since his appointment, the petitioner has practically remained at Thrissur. Accordingly, the Writ Petition fails and it is dismissed. But, this will not affect the right, if any of the petitioner, to represent against

the transfer in accordance with the relevant Rules/Orders, governing transfer and seek appropriate reliefs from the departmental authorities.

29.05.2007

K.BALAKRISHNAN NAIR,JUDGE

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